

01-*P*-0173

Entered - 1-19-01 - sb
CL01L0056 - ALEXIS HOLMES

CLAIM OF: **CAROLYN L. STOKES**
6075 Emerald Point Circle
College Park, Georgia 30349

For damages alleged to have been sustained as a result of driving
over a manhole on October 19, 2000 at Roswell Road and I 285.

THIS ADVERSE REPORT IS APPROVED

BY: *Rosalind Rubens Newell*
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

D-14

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0056

Date: 1/39/01

Claimant /Victim CAROLYN L. STOKES

BY: (Atty) _____

Address: 6075 Emerald Point Circle, College Park, Georgia 30349

Subrogation: _____ Claim for Property damage \$ 1,164.05 Bodily Injury \$ _____

Date of Notice: 12/28/00 Method: Written, proper X Improper _____

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 10/19/00 Place: Roswell Road 285 West

Department Public Works Division: Sewer Operations

Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges that she sustained vehicular damage when she drove over a manhole cover and two tires blew out. However, the location of the incident is outside the Atlanta City limits and on a State Route, and is the responsibility of the Georgia Department of Transportation. Further, the claimant has been advised to pursue her claim with the Georgia Department of Transportation.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Other X Written _____ Oral _____

Pictures _____ Diagrams _____ Reports: Police _____ Dept Report _____ Other _____

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental _____ Ministerial _____

Improper Notice _____ More than Six Months _____ Other _____ Damages reasonable _____

City not involved X Offer rejected _____ Compromise settlement _____

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,

Alexis Holmes
INVESTIGATOR - ALEXIS HOLMES

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____

Claims Manager: [Signature] Concur/date 02/01/01

Committee Action: _____ Council Action _____

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK
City Hall
55 Trinity Avenue, S.W.
Atlanta, Georgia 30335

0040629
Holmes
01/18/01
RE: CLAIM FOR DAMAGES

Today's Date: 12/26/00

Dear Municipal Clerk:

DEC 28

ENTERED - 1-19-01 - SB
01L0056 - ALEXIS HOLMES

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 1,164.05 property and/or \$ 250.00 injury for which I contend the City is liable. Total = 1,414.05

1. Date of incident: 10-19-00 (month/day/year) 2. Time of Incident: 3:30-4:00 p.m. 3. Police called: Yes One came shortly Mr. Johnson
4. Location of incident (including street address): Roswell Rd 285-West side
5. Name of your insurance company: Go Farm Bureau Ins Policy No. 1189268
6. State what and how incident occurred: Traveling 285-West to Roswell Rd. Proceeded to go to DFF going to Marshall's hit Markete & Burst 2-Tires & Bad My Rins McCullough said my car was the fourth car that had happened to this week.

7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).

Your vehicle: Acure Legend 1993 937-MLG Carolyn Louise Stokes
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: _____
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: _____
(Name) (Address) (Telephone Number)

10. The acknowledgment of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).

11. This claim should be mailed immediately to the address shown above

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Carolyn L. Stokes
Signature of Claimant

Carolyn L. Stokes
(Print Claimant's Name)

6025 Emerald Pt Circle
(Address)

College Park Ga 30349
(City, State and Zip Code)

4-235-6403
(Work Number)

7-996-7272
(Home Number)

December 26, 2000

Dear Municipal Clerk:

I am very sorry that this took so long but I've had to attend classes for work, after that there was Thanksgiving and I had to get estimates which on the tires I couldn't get a estimate I had to get it fixed, and while getting the tires fixed, they was the first to tell me about the axle, which then later I took it to Baranco Acura, for the estimate and to be fixed, hope this information will be certify.

I Carolyn Stokes was traveling along to 285-West going to Marshall's on Roswell Rd. on October 19, 2000, between 3:30-4:00 p.m. as I made that right turn hit the curve and burst my two right side tires, and bent my rims. I tried to move my car and was afraid to do so along. There was this man stopped to help me move my end out of the street he proceed to direct me slowly out of the street, and while we was doing this there was this police officer came up howling at me and the man telling me how unsafe this was, we both Mr. King and myself told him that we was trying to get the car out of the street, he starting howling and cursing telling me to move the dam car, I told him I was trying which I had went cross the street to McCullough Auto Care & Towing get a tow truck and the manager told me that the driver was out but as soon as he call in he will be over to pick up my car, and that's what we was waiting for, we told FULTON COUNTY POLICE OFFICER M. JOHNSON, and he said I said move the dam car now, and the guy Mr King told officer Johnson that he shouldn't be howling & cursing at the young lady like that and the officer said I will lock you up and the man ask the officer WHY will he lock him up, and the officer said cause I told you to move the dam car, this is my (Carolyn Stokes) car, but to behold that officer M. JOHNSON handcuff that man (Mr. King) and put him in the police car, I went to the police car to try and talk to the officer and he roll up the window in my face, I then called the #911 and reported, and the young lady took the report call Mr. Johnson supervisor and he (supv.) was to come but he didn't show, but Mr. Johnson call the supervisor after I called 911, and told his supervisor that he was going to get a complaint and his supervisor told him to do what he have to do.

I am sending you this message because I don't think this was handle in a professional way, since I was with my car, and had help moving my car, there are ways to approach other beside howling and cursing like Mr. Johnson was doing to Mr. King & myself.

After getting my car cross the street Mr. King told me this was his first time being handcuffed or in an officer car, and this happened only because he was helping someone.

In closing I hope that Officer Mr. Johnson send an Apologize letter to Mr. King.

Draper & Associates

Mr. Greg King.

5665 New Northside Drive/Ste-100

Atlanta, GA 30328-4617

Two Tires-----269.40

Axle check & repaired----378.95

Rims Replaced-----515.70

Pain & Stress from Mr. Johnson----250.00

TOTAL=====1,414.05